IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27556 of 2007(E)

PETITIONER:

VINAYAN, AGED 43 YEARS,S/O. GOPALAN,
KOTTICKAL HOUSE, ELANTHURUTHY
VARATHAKKARA, THRISSUR DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

THE SUB DIVISIONAL MAGISTRATE,
FORT KOCHI, ERNAKULAM DISTRICT.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 27556 of 2007

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Dated this the 18th day of September, 2007

JUDGMENT

The prayer pressed before me by the learned counsel for the petitioner is for a direction to pass final orders in D.No.66/07-MC as provided in Section 138 of the Cr.P.C within a reasonable time limit. Case of the petitioner in brief is as follows:

Petitioner is the licensee of a toddy shop. The respondent Magistrate has issued Exts.P3 and P4 orders directing the petitioner to stop functioning of the shop till final order is passed. Apparently the proceedings are initiated under Section 133 of the Cr.P.C on 23.7.2007. Complaint of the petitioner is that non-passing of any orders and also preventing the petitioner from conducting the toddy shop till final orders is arbitrary and violative of the fundamental rights.

2. Heard Government Pleader also. She submits on instructions that the pleadings are complete. According to the petitioner the hearing itself was over on 24.8.2007.

Having heard the parties, the writ petition is disposed of directing

the respondent to pass final orders in D.No.66/07-MC within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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